IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT APPEAL NO : 728 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 9.1.2003 in W.P. No. 2714 of 2000 on the file of the High Court.)

Between:

1.Wadde Sawaranna S/o Yeedanna
Paipad Village , Waddepally Mandal Mahaboobnagar Dist.
2.Wadde Hanmanthu S/o Narayana
Paipad Village , Waddepally Mandal Mahaboobnagar Dist.

..... APPELLANTS

AND

1 The Joint Collector, Mahabubnagar District,

Mahabubnagar.
2 Asst. Collector (Sub.collector)
Gadwal, Mahabubnagar Dist
3 M.Koteswaramma W/o Venkta Subba Rao
Shantingar (V) Waddepally (m)Mahabubnagar Dist.

.....RESPONDENTS

Counsel for the Appellant: Mr.J.PRABHAKAR

Counsel for the Respondents 1 & 2: G.P. for Revenue

Counsel for Respondent No.3: Mr. R.V.Prasad.

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

Appeal is against the order of the learned Single Judge dismissing the appellants' Writ Petition. In the Writ Petition, appellants had questioned the order of the first respondent dated: 23.12.1998 passed in exercise of the appellate power under Section 24(1) of the Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955, which order, in turn, had affirmed the order of the Assistant Collector, Gadwal, dated: 2.7.1989 conferring occupancy rights on 3rd respondent.

Learned Single Judge held that there was no case made out for interference in exercise of writ jurisdiction with the order passed by the authority and the first respondent in his order had categorically held that statutory notice in Form-II calling claims and objections were served on all the interested persons and no objection or claim had been filed pursuant to the said notice. It was also found that 3rd respondent had procured right, title and interest to the land on the basis of the registered sale-deeds bearing Nos. 465 and 455, dated: 5.4.1965 executed by predecessors of appellants. In this view of the matter, there is hardly any substance in the appeal. Appellants grievance was that they did not receive any notice before orders were passed. Such an averment made in the Writ Petition is clearly in contradiction to the order of the first respondent, who, on perusal of the record, recorded a finding that notice was issued and got served on all the interested persons. Statutory authority, having complied with the provisions of law and proceeded to pass an order, the appellants, in case, felt aggrieved that their predecessors had not executed any sale-deeds, nothing prevented them from establishing their case in the Civil Court. But, there was no case made out warranting interference, in exercise of writ jurisdiction, with the orders of the authority, who were found to have complied with the provisions of law in passing orders in favour of 3rd respondent.

The Writ Appeal, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

2.8.2004.

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C.V.RAMULU, J.

VR.

To

1 The Joint Collector, Mahabubnagar District,

Mahabubnagar.
2 Asst. Collector (Sub.collector)
Gadwal, Mahabubnagar District.

3. Two CCs to Govt. Pleader for Revenue, High Court Bldgs., Hyderabad. (OUT).

4. Two CD copies.